

Online Misogyny: A Challenge for Digital Feminism?

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Abstract

The rise of online feminist activism has been a catalyst for driving attention globally to issues concerning women and their everyday experiences of violence and harassment, both online and offline. The Internet, and in particular social media platforms, have also been places of political struggle and protest for many women who otherwise would have been unable to speak out about public and political issues. At the same time, women who participate in these online fora face various forms of violence—predominantly text-based—including online misogyny. Such acts severely affect women’s rights to equal participation in the public sphere, taken here to include the online public sphere, on an equal basis with men. Drawing on examples of online violence against women in politics (OVAWP), this paper examines the phenomena of online violence against women (OVAW) and online misogyny. It argues that both forms of abuse of women create significant obstacles to women’s equal participation in public and political life, while also affecting women’s rights to freely express their views. Finally, this paper considers the implications of online misogyny and OVAW generally for digital feminism.

Introduction: The Internet – A Wealth of Riches?

The Internet, and digital media generally, offer enormous potential as spaces for engagement, activism, and contentious debates. The ideal of an all-inclusive, participatory space that is genuinely open to all poses a challenge for global feminism. Online spaces and platforms are notoriously hostile places for women who dare to share opinions or speak out against the crowd. Spaces such as Twitter or Facebook, which are ideally suited to advocacy, campaigning, and political speech, are increasingly spaces where women are shut down and excluded from public participation. Recent studies have shown that significant percentages of women and

girls have faced abuse online, especially on social media, with the vast majority of such abuse motivated by sex and gender discrimination.¹

Sadly, existing socio-legal structures and systems are failing to deal with this phenomenon and are instead perpetuating the harassment and discrimination that occurs online. Rather than providing a platform to facilitate campaigning for equality, anti-discrimination, and gender parity objectives, the Internet is evolving rapidly into a space which is increasingly hostile, particularly for vocal women advocates. The backlash that such women receive for speaking out—particularly about issues relating to gender equality—is not only damaging, but also severely undermines the idea of equality of participation in public life. Taking online violence against women in politics (OVAWP) as an example, this paper offers a fresh perspective on the dangerous, unchecked, and discriminatory phenomenon of online misogyny, advocating for greater anti-discrimination attention at national and international levels to safeguard the rise of global and digital feminism.

This article enriches existing scholarship relating to the abuse of women online and the damage that failure to tackle this problem has done to digital feminism.^a In particular, it brings together perspectives from law, politics, and gender studies, using contemporary examples to offer a critique of this pressing issue. The discussion here not only outlines the failures of existing structures, but advocates for rapid responses and calls on platforms as well as regulators to effectively address gender-based abuse online.

Our research critically analyzes women's rights to freely express their views online, drawing on high-profile examples from the United Kingdom and further afield. These are particularly significant given limited empirical data dealing with online violence against women, especially in a global context.^b

^a While other authors have considered issues of online misogyny (Jane, *Misogyny Online: A Short (and British) Story*, 2017) and online abuse of feminists (Lewis et al., 2017), this literature does not consider these issues as interlinked, but instead each focuses on isolated aspects of online abuse. Furthermore, Citron (*Hate Crimes in Cyberspace*, 2014) explores hate crimes in cyberspace, albeit without considering a gender perspective on this phenomenon. See also Ruth Lewis, Michael, Rowe and Clare Wiper, 'Online Abuse of Feminists as An Emerging Form of Violence Against Women and Girls,' *The British Journal of Criminology* 57 no. 6, 1462–1481.

^b Throughout this article, various terms associated with issues of law, violence, hate, and misogyny are used. In order to provide readers with clarity on how these terms are applied here, the key terms, as understood by the authors for the purposes of this book, are listed and defined here: 1) Gender-based hate: prejudice or bias that is

Digital Feminism and Activism: A Force for “Good”?

The Internet offers enormous potential for “good.” Interactive online platforms allow for the rapid creation of networks and contacts, and enable meetings, communication, and engagement in ways that can benefit society. One of the most notable examples is that of digital political activism, a phenomenon most visibly illustrated by the Arab Spring and the role social media and online communications played in it, particularly for women. The potential for “good” on the Internet can be powerfully demonstrated through the role of social media platforms, which are spaces designed to actively encourage participation and the sharing of both information and content. Such interactive, user-led platforms should actively uphold the notion that the Internet is an open, all-inclusive and participatory space. However, recent trends in online abuse and social media misuse suggest that these ideals have been overshadowed by the realities of online interaction.²

Increasingly, safe online participation is being threatened through manifestations of online violence, especially online violence against women. Such behaviors reflect the normalization of inequality offline and are online reflections of offline patriarchal tendencies. This directly undermines the ideals of the Internet, which instead of acting as a foundation for challenging everyday normalization of abuse and inequality, is being used as a tool for reinforcing inequality, and silencing women online.³ This has become particularly evident through the phenomenon of online violence against women in politics (OVAWP).

A number of high-profile incidents demonstrate the pernicious nature of the backlash against women who speak out online or offer any opinion—controversial or otherwise—through social media. For instance, the United Kingdom’s first black Member of Parliament, Diane Abbott,

directed against a woman because she is a woman or that affects women disproportionately; 2) Misogyny: the manifestation of hostility towards women because they are women. For online misogyny, the manifestation of hostility communicated through online platforms, particularly social media and other participatory environments; 3) Online violence against women (OVAW) takes various forms of abuse and includes, but is not limited to, online misogyny, text-based abuse (e.g. on social media platforms such as Twitter or Facebook), upskirting, image-based sexual abuse (also referred to as “revenge pornography”), rape pornography, doxing, cyberstalking, and cyber-harassment. See further: Barker and Jurasz, *Online Misogyny as a Hate Crime: A Challenge for Legal Regulation?* (Routledge, 2019), xiii.

was targeted with more than 8,000 abusive tweets and messages sent directly to her Twitter account in the first six months of 2017.⁴ This is not an isolated incident, with other high-profile political women becoming the targets of similar abusive and threatening messages, including the Mayor of Victoria, Lisa Helps, the Indian External Affairs Minister, Sushma Swaraj, and Scottish MP Joanna Cherry, QC.⁵ More broadly, OVAW is also affecting women who are not involved in politics. The rise of harmful speech, online violence against women, and gender-based online abuse as a phenomenon has been rapid, with 46 percent of women worldwide receiving sexist or misogynist comments as a form of online abuse.⁶ As such, as feminist movements and political power harness the power of the Internet, they receive significant backlash, jeopardizing their ability to participate fully and equally online.⁷ In many respects, digital feminism is an example of the “good” Internet at work, allowing individuals with shared beliefs to connect remotely.⁸ The facilitation of democratization that the Internet and interactive platforms offers should be the manifestation of equal participation online, which is essential to ensure that women’s voices are heard at every level. The potential of the Internet to encourage participation is enormous, especially for global feminism and feminist activism. It should be a space in which participation is equal, and in which all opinions can be voiced.

In an increasingly digital global society where gender stereotypes are once more powerful signals and political rallying cries, it is becoming more difficult to battle everyday misogyny, especially when the Internet gives such attitudes and behaviors a voice that is too frequently accepted without challenge.^c If the Internet is at its strongest when there is an open, respectful exchange of ideas and debate, social media often acts as an echo chamber for those with anti-feminist agendas and opinions. More concerning—especially for freedom of expression—is how the echo chamber effect often breeds and encourages ideas that are acceptable only to those who “shout the loudest.” This means that other opinions, including dissenting ones, are shut down and pushed out of the online space.⁹ This is partially attributable to various

^c Something particularly apparent through the failure of platforms to takedown illegal or harmful content, irrespective of the reporting mechanisms currently in operation—a point evidenced recently in respect of the failures to takedown footage of terror attacks in New Zealand. Paresh Dave and Munsif Vengattil, “New Zealand massacre shows how online users find ways to share violent videos,” Reuters, 15 March 2019, <https://in.reuters.com/article/us-newzealand-shootout-social-media/new-zealand-massacre-shows-how-online-users-find-ways-to-share-violent-videos-idINKCN1QW1GL>; Peter Walker, “Ukip MEP candidate blamed feminists for rise in misogyny,” The Guardian, 22 April 2019, https://www.theguardian.com/politics/2019/apr/22/ukip-mep-candidate-carl-benjamin-blamed-feminists-for-rise-in-male-violence?CMP=Share_iOSApp_Other.

ascendant right-wing political factions, but also to those already in positions of political power. The right-wing elements in Brazil¹⁰ and the United States,¹¹ to name but two examples, exhibit incendiary¹² and patriarchal tendencies that augment the rhetoric of gendered stereotypes, which is amplified when these factions merge with the ideologies of right-wing populist parties, and use social media platforms to spread their message.¹³

This phenomenon occurred not only in the United Kingdom General Election in 2017, but also in the Indian election campaigns of 2019, which was a model case for how quickly social media can shift from being a tool to being a weapon used to actively incite violence.¹⁴ The prevalence and nature of the right-wing rhetoric increasingly regarded as populist is broadly damaging to the participatory rights of minorities and women.¹⁵ In parts of Europe, anti-equality ideologies are gaining traction in mainstream politics and having a real impact on government policy. These ideologies are now setting agendas that are starkly anti-feminist, anti-gender, and pro-misogyny—a point made abundantly clear with Hungary’s recently announced income tax breaks for women who have four or more children.¹⁶

As right-wing actors rise in prominence, the dark financing of divisive politics is increasing. In some case, unregulated, “dark” money is dictating elected politicians, which can lead to the exclusion of the voices of women politicians.¹⁷ This occurred in the UK in the context of the Brexit debate, when three Conservative women MPs departed from the ruling party.^d These changes can lead to derogatory and anti-equality policies, which encourage those who already go after women online. A “politics of fear” strategy further contributes to this, sending higher volumes of abusive messages across a wider spectrum.¹⁸ Rather than supporting the removal of barriers to participation, such politics reinforce gender stereotypes and the idea that violence against women, including online violence, is acceptable. It is already incredibly difficult to challenge rote sexism, and this is compounded when such sexism is advanced by powerful public figures such as Presidents Donald Trump and Jair Bolsonaro.¹⁹

^d See, for example: Peter Geoghegan and Jenna Corderoy, “Revealed: How dark money is winning the ‘Brexit influencing game,’” *OpenDemocracy*, 21 February 2019, <https://www.opendemocracy.net/en/opendemocracyuk/revealed-how-dark-money-is-winning-brexit-influencing-ga/>.

All of these examples are damaging to gender equality and participation, both online and offline.²⁰ They are also, without question, direct challenges to contemporary and digital feminism. New spaces have presented new challenges to equality, women's rights, and feminism, as it has previously, must now evolve to take on this new, global feminist challenge.

Coslett and Baxter in 2013 identified that violence against women and the media are just two of the challenges facing modern feminism.²¹ It remains striking that in the digital age, the media remains a barrier to the advancement of the feminist agenda, and to equality of participation. How can gender equality be achieved if those who have the power and ability to change the laws do not change their behavior? The widespread entrenchment of anti-feminist agendas by lawmakers is abundant. For example, in the UK Houses of Parliament, legislation making upskirting a criminal offence, and further draft legislation outlawing female genital mutilation, was deliberately blocked by a member of the ruling party on the basis that, in his opinion, it was unnecessary.²² Further examples include implications of the global gag rule for women and the slow progress made in some countries to address digital forms of violence against women, such as in the US where not all states have enacted legislation criminalizing image-based sexual abuse.²³ This type of behavior is a demonstration of the challenge that feminism, especially digital feminism, currently faces.²⁴

It is not just the actions of one member of parliament that form barriers to equality; the challenge becomes much greater if multiple members of parliament or any governing body are staunchly opposed to an advancement in equality. In an age where it should be easier than ever to participate fully in a democratic society through digital means, such participation is fraught with dangers not only of online backlash, but of offline violence. As illustrated by the horrific murder of MP Jo Cox during the Brexit campaign in 2016, online threats of physical harm and intimidation are not to be taken lightly, especially when the ultimate aim is the suppression of the opinion of the intended victim—a point commented on by Justice Wilkie in his sentencing remarks.²⁵ This link is slowly being recognized by law enforcement bodies. In response, police advised Natalie McGarry, MP, to increase security at her office after receiving online death threats.²⁶ Despite this recognition, there is still limited understanding of the prevalence of gender-based abuse online and the transfer of online threats to offline harm in

form of murder, assault, rape, etc. In short, physical threats distributed online threaten women's participation in the online world.

It is encouraging that the issue of violence against women online is receiving attention and scrutiny from the United Nations, especially given the comments made by the Secretary-General that the backlash in the forms of online hate speech and harassment faced by women are, "vicious campaigns of the worst kind."²⁷ As encouraging as such sentiments are, they do not translate into action, and along with the efforts of third-sector organizations, tend to gain prominence at only selected points in the year. The backlash against women, however, is all-encompassing and not limited to specific cyclical calendar dates; it challenges participation on a 24/7 basis.

Online Misogyny in Politics and the Politics of Online Misogyny: The Price of Participation

Manifestations of (online) misogyny in politics have been two-fold: first, taking the form of gender-based, online abuse (typically using social media platforms) against female politicians and, second, reflected in the misogynistic and anti-equality language, behaviors, policies and practices pervasive across the world. Although these two manifestations take different forms and are directed against different recipients, they are nonetheless united by common goals. They are aimed at silencing women's public and political voices, driving women away from public and political spaces, and undermining any efforts directed at achieving gender equality in the public sphere. The damaging effects of violence against women in politics (VAWP) were neatly summarized in 2018 by the UN Special Rapporteur on Violence Against Women:

"The aim of violence against women in politics is to preserve traditional gender roles and stereotypes and maintain structural and gender-based inequalities. It can take many forms, from misogynistic and sexist verbal attacks to the most commonplace acts of harassment and sexual harassment, much of it increasingly online, or even femicide."²⁸

Although VAWP is an issue that has been highlighted and critiqued previously, its online manifestations have become prevalent only recently, on the back of much broader global

efforts to tackle OVAW and the rise in prominence of online feminist movements such as #MeToo and #TimesUp.²⁹ As a consequence, OVAWP is increasingly reported, documented, and critiqued, at the UN and across the world. For instance, a 2017 study carried out by Amnesty International revealed the pervasive nature of OVAWP in the period leading up to the 2017 General Election in the United Kingdom.³⁰ The results showed the large volume of online abuse received by female politicians from all sides of the political spectrum, especially in the six weeks prior to polling day on 8 June 2017. More specifically, the study confirmed that women politicians with other, intersecting identities, such as (but not restricted to) race, religion, and sexual orientation, received significantly more online abuse, with black and Asian women generally receiving 35 percent more abusive tweets than white women MPs. Dianne Abbott MP, the first black woman MP elected into the UK Parliament, received almost half (45 percent) of all of the abusive tweets in the last six weeks before election day, and about one-third of all abusive tweets in the total period of the study (1 January 2017 to 8 June 2017).³¹ The online abuse aimed at Abbott was not akin to political debate or critique of her political views. Rather, it constituted vile online abuse directed at her as a woman and, additionally, a black woman. Describing the abuse she received, Abbott noted that,

“It’s highly racialised and it’s also gendered because people talk about rape and they talk about my physical appearance in a way they wouldn’t talk about a man. I’m abused as a female politician and I’m abused as a black politician.”³²

While not all abusive tweets examined in the study were misogynistic in nature, they nonetheless indicate the scale of online abuse directed at women politicians, and illustrate the deeply rooted gender stereotypes and discrimination against women, all of which are societal factors which underpin the phenomenon of OVAW. Online abuse received by female politicians is predominantly directed against them as women rather than criticizing their political views or policies they support.³³ In that, OVAWP is a sad reminder that gender equality has not been reached in the context of public participation, especially in political spheres.^e

^e This point has been articulated by a member of the Welsh Assembly Government, Leanne Wood AM: “Questions to the Deputy Minister and Chief Whip on Online Abuse of Women in Public Life” (26 March 2019), 119-120, <http://record.assembly.wales/Plenary/5571#C180909>.

This stands in stark contrast with calls worldwide to ensure equal representation in politics. While significant efforts around the world are directed towards the goal of at least 50:50 representation in politics, it is crucial that obstacles to the equal participation of women in politics are addressed as well. OVAW and online misogyny are key factors driving women away from the public sphere and online sphere.³⁴ As such, gender-based abuse online is threatening women's participatory rights on the Internet. This has significant implications for equal gender representation and participation in public and political debates. Today it is difficult to imagine a space more public than the Internet, with social media outlets used not only to communicate information, but also for campaigning and expressing views. Online presences generally and social media presences specifically are integral elements of political campaigning, public participation and engagement with wider society, including in election cycle interactions with the electorate. As such, OVAW, online misogyny, and online gender-based hate directed against women who participate online are factors that hinder women's equal participation in the public sphere. However, instead of being treated seriously and addressed effectively through laws, policies, and platform responsibilities, these often violent and harmful online behaviors are downplayed and overlooked as serious societal issues. What is more, experiences to date indicate that an incident of gender-based hate (both online and offline) has to reach a threshold that is tragic and shocking to the public conscience (as evidenced by the murder of the UK Labor politician Jo Cox in June 2016 and of Brazilian feminist politician Marielle Franco in March 2018), or reach breathtakingly high numbers in order to warrant public, legal, or social concern.³⁵

Everyday Violence, Patriarchy, and Democracy

Addressing OVAW is a significant issue of concern for global feminism, and more particularly for digital feminism. While not all women who are targeted by online misogyny identify as feminists or share feminist views, they nonetheless become targets because they are women. Similarly, while not all female politicians identify as feminist nor subscribe to feminist views and agendas, they become targets of misogynistic comments and are subjected to gender-based hate online for one reason: because they are women who express their views publicly and take an active role in public and political life.³⁶

Above all, the global phenomenon of OVAW exemplifies public attitudes towards women, as well as the everyday and pervasive nature of discrimination, and violence against women. As movements such as #MeToo have shown, violence against women, both online and offline, has been normalized across the world and across various geographical, demographic, professional, and contextual backgrounds. While feminist movements like #MeToo have been rightly critiqued for not capturing the daily, structural violence and harassment experienced by marginalized groups of women, such as Dalit women in India, their impact on raising awareness about the harms and violence experienced by women worldwide should not be underestimated.³⁷ Importantly, the sheer volume of women speaking up publicly about the violence and harassment they experience (online and offline) demonstrates how deeply such behaviors are embedded in the everyday lives of women. Such behaviors are not restricted to the offline sphere and are persistent and prevalent online, typically taking forms of online misogyny and other forms of OVAW. However, it is crucial to recognize that the rise of the Internet and social media have not brought about these vile behaviors. Rather, misogyny and violence against women perpetrated online are emanations of pre-existing, structural discrimination against women, including discriminatory gender stereotypes, gender inequalities, and patriarchies that have long existed within society. As such, online spaces, especially social media platforms, have become a new medium through which such attitudes are expressed, where forms of gender-based violence are perpetrated, and where patriarchy finds an opportunity to thrive.

A similar dynamic can be observed in relation to how reports of OVAW and online misogyny are received and addressed. Even though there has been a noticeable rise in women publicly speaking out about their experiences online, as well as a number of research reports to support their claims, women who highlight their experiences of violence online and/or who publicly stand up against OVAW and online misogyny are frequently disbelieved, similar to reports of other, offline forms of VAW.³⁸ The existing (mis)perception that online is not “real,” or that it is not as serious as offline physical violence is not only incorrect, but also dangerous, in that it diminishes the seriousness and spectrum of harms experienced by women.³⁹ Far too often, online misogyny is trivialized as mere banter which women should simply bear as the price of online participation. Such responses and attitudes are even more worrying when they come not just from the perpetrators and online communities, but from law enforcement and policy

makers. In the UK, responses from the Chair of the National Police Chiefs' Council, Chief Constable Sara Thornton, as well as the Chief of the Metropolitan Police, Cressida Dick, have been particularly discouraging. Both Thornton and Dick publicly opposed proposals for making misogyny a hate crime and for greater involvement of the police forces in recording and responding to instances of misogyny, calling for the police to focus on more "traditional values."⁴⁰

Such statements by high-level law enforcement officers, although discouraging, are informative of the positioning of the problem of OVAW, and online misogyny specifically. Not only do they highlight the institutional barriers to considerations of gendered abuses, but they show the entrenchment of opposition to tackling these phenomena with policy and law changes. They also indicate the limitations imposed on victims by the small number of avenues of redress for such acts. Despite the fact that legal provisions exist that can be used to address OVAW and online misogyny, it appears unlikely that reports of such acts will be acted upon in a serious, timely, and efficient manner, especially given the difficulties experienced by women (including high-profile politicians) when reporting OVAW and online misogyny to the police and to platform providers.⁴¹ Effectively, it leaves the problem of OVAW and online misogyny as a matter that women should deal with themselves rather than as a pressing social issue rooted in the pervasive, daily, socio-cultural nature of misogyny and its patriarchal roots. It also masks these abusive and gendered behaviors as "women's issues" rather than an issue that harms the core democratic values of gender equality and equality of public participation for all.

Furthermore, the general reluctance of law and policymakers, as well as law enforcement agencies, to take measures to effectively address and tackle OVAW and online misogyny raises a much broader question of who is responsible for bringing about meaningful change in respect of these significant social issues. Feminist legal scholars have long criticized the law for its gendered assumptions, which typically capture and respond to male norms and experiences. These norms remain largely ignorant of structural discrimination affecting women as well as the pervasiveness of the patriarchy within the legal system and within society more generally.⁴² As far as legal reform is concerned, it is practically impossible to foresee a situation whereby

typically male-dominated judicial bodies, policing institutions, and crime prevention agencies will be in a position to challenge accepted norms.⁴³

The legal system and its actors are not the only hindrance in addressing these issues. Misogynistic language and behaviors are frighteningly common amongst predominantly, although not exclusively male politicians who were chosen in democratic processes to represent members of society. When misogyny is used at all levels of politics, from misogynist behaviors online and offline, online and offline harassment and violence against women politicians, to anti-gender and anti-equality policies, it becomes questionable whether those who hold political power and influence can indeed bring about lasting change to eradicate the very behaviors and attitudes they often employ. This conundrum has been powerfully captured by Mhari Black, a Scottish MP in the UK when reflecting on her own experiences of gender-based online abuse and online misogyny:

“All those insults were tailored to me because I am a woman. We can kid ourselves that those are comments by a few bad, anonymous people on Twitter, but they are not: this is everyday language. I am aware that everyone here was uncomfortable hearing those insults—I felt uncomfortable reading them out—yet there are people who feel comfortable flinging those words around every day. When that language goes unchallenged, it becomes normalized, and that creates an environment that allows women to be subjected to a whole spectrum of abuse. I regularly see guys on Facebook talking about “getting pussy” and using other horrible words for women, but should we really expect any better given that the man sitting in the Oval Office thinks that it is okay to grab a woman by the pussy and faces no consequences?”⁴⁴

Black’s reference to U.S. President Donald Trump is rather symbolic in that it demonstrates that misogyny is deployed as a tool for the degradation and subordination of women to erase them from public and political life by a man who leads one of the most powerful countries in the world—one that supposedly values equality and freedom. However, similar misogynistic

behaviors are perpetrated by politicians worldwide, further confirming the widespread, vicious and harmful nature of misogyny in high political offices.⁴⁵

Overall, these behaviors are not only an antithesis to achieving gender equality but are also a contravention of core democratic values conveyed in the idea of equal participation for all in public and political life. Gender equality is rarely viewed on par with other values of democratic societies, such as freedom of expression. Gender equality and freedom of expression are frequently juxtaposed when it comes to the consideration of regulation of online gender-based abuse, including online misogyny. So far, efforts to curtail such behaviors have been limited to blocking or muting abusive content.⁴⁶ Although OVAW and online misogyny are amongst the biggest, contemporary threats to women's equal participation online, efforts to curtail such acts online are met with a counterargument about freedom of expression and free speech.⁴⁷ Interestingly, it is the freedom to allegedly express misogynistic views rather than the freedom of expression supposedly afforded to women that appears to prevail in political and legal debates concerning these issues. This in itself creates a hierarchy—not only of democratic values, but also of harms—whereby the value of protecting gender equality and non-discrimination of women is inferior to freedom of expression. The challenge of balancing these two rights has been captured in a joint statement issued by the UN Special Rapporteur on violence against women, its causes and consequences, and the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on 8 March 2017:

“The internet should be a platform for everyone to exercise their rights to freedom of opinion and expression, but online gender-based abuse and violence assaults basic principles of equality under international law and freedom of expression. Such abuses must be addressed urgently, but with careful attention to human rights law.”⁴⁸

Unfortunately, since then, little has been done at the international nor national level to effectively address this issue. In effect, the current status quo continues to ignore the fact that OVAW affects equality of public and political participation, including women's freedom of expression (political or not).

Conclusions – The Failure of the Self-Regulation Experiment?

It is important to remember that not all women are anti-misogyny, and not all women are supportive of the “feminist agenda.” However, the so-called “fourth wave” of feminism is increasingly digital, making it vital that women’s rights online, including equality of participation, are protected and upheld.⁴⁹ Digital feminism can be seen as the “good” internet at work, but the maintenance of access to the Internet is itself essential to feminism.⁵⁰ That said, the leadership of Internet Giants by a certain demographic—predominantly white men—is a problem when it comes to tackling issues that undermine the voices and participation of women online.⁵¹ It is essential in securing the participatory rights of women that action be taken at an international level to prevent online violence against women. State action must be taken to ensure that due diligence is carried out to prevent violence against women, including online violence against women.

While state action is essential, the situation is not one-dimensional. Therefore, a multifaceted response is needed to comprehensively address the phenomena of OVAW and online misogyny and to create long-lasting change. Given the existing, male-dominated hierarchies within legal and political systems, there has been no evidence of any intention to shift the existing dynamics of power and privilege or to challenge the anti-feminist agendas. Changing these demographics is essential, and platforms could and should be leading on that. Furthermore, questions concerning the power of platforms and the financing of those platforms persist, and are of increasing relevance given the correlations between misinformation and political actions. This is especially concerning in light of Facebook’s announcement that it will be funding journalism.⁵²

Aside from this, states and the international community need to take steps to reduce the power of the so-called “Internet Giants.”^f Currently these platforms, including Facebook and Twitter, benefit from liability shields within the US and across the EU, which foster the notion that they exist and operate above the law and outside of the scope of legal regulations.⁵³ This situation can no longer be allowed to continue while the platforms adopt a laissez-faire

^f Including Facebook, Twitter, and Google.

approach to online violence. Similarly, the attitude of regulators towards these platforms and their chief executives must change. The dismissive approach of Mark Zuckerberg when it came to attending the UK Parliament is symptomatic of how platforms regard themselves as operating outside of legal systems.⁵⁴ It is also more broadly reflective of the patriarchal dismissiveness of attempts to subject the platforms and their operators to scrutiny, and highlights the challenge of holding them accountable.

There is a growing recognition, at least within the UK, that measures are required to regulate the “Internet Giants” irrespective of their intentions. In the last 18 months in the UK alone, there have been a number of high-profile reports on regulating the online platforms.⁵⁵ Sadly, none of these reports have been able to recommend a cohesive and holistic approach, but all have outlined recommendations. These do not include self-regulation, signaling that the era of self-regulation by platforms themselves is over and, as an experiment of regulation, has spectacularly imploded. If the reports in the UK conclude little else, they agree that the self-regulation experiment has failed, and platforms cannot be trusted to police their users and their spaces. Regulators have therefore accepted that steps are required to address the harms perpetrated by these platforms. Ultimately, online platforms and the Internet Giants are not states, but accountable actors from the perspective of international law, irrespective of the current liability shields in operation.

Firstly, the platforms themselves must accept that there are problems with the abuse of their spaces. This means that they must take responsibility for the content that is posted and shared within their platforms that breaches their own standards and policies relating to acceptable behaviors. Where there is content posted on their platforms that contravenes these standards, platforms must be proactive in reviewing content and speedily taking action to issue sanctions where appropriate. That said, this responsibility needs to be balanced against freedom of expression and free speech protections. As this is a contentious issue, the automated review of content posted online needs to involve human actors, at least until algorithms and automated content scanning systems are sufficiently reliable. Additionally, appropriate reporting mechanisms must be introduced to ensure that different types of harmful content are addressed in a timely manner where reports are made to the platforms concerning harmful content. When this content is serious enough to warrant the involvement of the police,

appropriate measures should be taken to ensure that evidence is retained while also removing content from public areas of the platforms. Furthermore, there should be a shared obligation on the part of all social media platforms to contribute to, and promote, forms of support for victims of online abuse, especially where that abuse manifests itself in threats.

Secondly, state actors must recognize their own culpability in failing to take steps to tackle the power and position of each of the dominant Internet platforms. International organizations should take the lead on tackling online violence against women, and it should be a policy priority. Similarly, regional entities should develop appropriate leadership on this issue and ensure that action plans are in place with all regional representatives. States should consider online forms of violence in strategies to end violence against women, emphasizing that there is a need to incorporate this rising form of abuse into existing policies.

Thirdly, and perhaps controversially, the non-governmental sector is also partially culpable in the lack of action taken against platforms to protect the participatory rights of women online. Glossy and trendy campaigns have their place, but they are just one avenue through which feminism can gain attention. However, a hashtag is just a hashtag, and the focal points of such campaigns are prominent only at selective, cyclical times in the year. They are not consistent nor persistent in calling for reform and maintaining the prominence of the digital feminism agenda. Non-governmental organizations should recognize that online violence against women can be a stand-alone issue, as well as one which feeds into other feminist campaigns. Increased engagement with empirical researchers is required to inform campaign agendas so that they can inform policy at regional and international levels. It is also essential in ensuring that the platforms are responsible for their actions.

Finally, greater attention needs to be paid to the forms of online harm which can be caused by online abuse of women, especially where that abusive incorporates threatening messages indicating the likelihood of physical violence in the form of rape, assault, or even murder. Above all, there is a need for responsibility to be taken. Until the relevant actors at all levels accept responsibility, it is unlikely that there will be workable solutions to tackle the phenomenon of online abuse.

Digital feminism is a challenge for the Internet, but it is also a challenge to the Internet. The Internet has now come of age, in terms of its development as a communicatory, immersive, and content-driven space. That said, the problems that are now being encountered through engagement and immersion with online content are increasingly harmful and damaging, and are increasingly causing offline harms as well as online harms. The entities controlling and operating social media platforms, as well as regulators, can no longer ignore the complex challenges of regulating the Internet. Regulatory initiatives have been a recurring theme, but to date, few legal reforms have led to meaningful change or robust protection of online rights. This inadequate status quo cannot continue, and it is time that for better legal regulation of online gender-based abuse.

The notion of an inclusive space, welcoming to all, is one that is under constant threat. It is time that the Internet, in its 30th anniversary year,⁵⁶ recognizes and responds to this threat. Feminism is alive and well, but it seems that just as its offline evolution took time, so too will its virtual manifestations require a generational shift before digital feminism is truly welcomed online.

¹ Amnesty International, #ToxicTwitter: Violence and Abuse Against Women Online (2018); Azmina Dhrodia, 'Unsocial Media: Tracking Twitter Abuse Against Women MPs,' Medium, 3 September 2017, <https://medium.com/@AmnestyInsights/unsocial-media-tracking-twitter-abuse-against-women-mps-fc28aeca498a>.

² Kim Barker and Christina Baghdady, "From hybrid to cybrid? The formation and regulation of online 'hybrid' identities," Nicolas Lemay-Hérbert and Rosa Freedman, eds., *Hybridity: Law, Culture and Development* (Routledge, 2017), 218, 236; Olga Jurasz, "Women of the Revolution: the future of women's rights in post-Gaddafi Libya," Carlo Panara and Gary Wilson, eds., *The Arab Spring: New Patterns for Democracy and International Law* (Brill, 2013), 123-144.

² John Perry Barlow, "Declaration of the Independence of Cyberspace," (John Perry Barlow Library website, 1996), <https://www.eff.org/cyberspace-independence>.

³ Kim Barker and Olga Jurasz, *Online Misogyny as a Hate Crime: A Challenge for Legal Regulation?* (Routledge, 2019), 24.

⁴ Amnesty International (2018), 17.

⁵ Amy Smart, "Mayor deletes Facebook because it 'rewards anger and outrage,'" CTV News, 25 March 2018, <https://www.ctvnews.ca/canada/victoria-mayor-deletes-facebook-because-it-rewards-anger-and-outrage-1.3857692>; Deepali Maggo, "Sushma Swaraj Trolled On Twitter; BJP Leaders And Ministers Maintain Silence," RVCJ, 26 June 2018, <https://www.rvcj.com/sushma-swaraj-trolled-on-twitter-bjp-leaders-and-ministers-maintain-silence/>; Paris Gourtsoyannis, "Police protection for SNP MP Joanna Cherry after death threats," *The Scotsman*, 6 May 2019, <https://www.scotsman.com/news/politics/police-protection-for-snp-mp-joanna-cherry-after-death-threats-1-4921481>; Public Policy Forum, *Poisoning Democracy: How Canada Can Address Harmful Speech Online* (2018), 7.

⁶ Statista, "Most common types of online abuse or harassment experienced by women worldwide as of July 2017" (website, 2019) <https://www.statista.com/statistics/784833/online-harassment-women-types/>.

⁷ Liz Lane, "Feminist Rhetoric in the Digital Sphere: Digital Interventions & the Subversion of Gendered Cultural Scripts," *Ada: A Journal of Gender, New Media, and Technology* 8 (2015), 1.

⁸ Kaitlynn Mendes, Jessica Ringrose, and Jessalynn Keller, "#MeToo and the promise and pitfalls of challenging rape culture through digital feminist activism," *European Journal of Women's Studies* 25, no. 2, (2018), 236-246.

⁹ Nick Funnell, "Bubble trouble: how internet echo chambers disrupt society: Why our personalised online worlds may be narrowing our minds, and what we can do about it," *The Economist* <http://shapingthefuture.economist.com/bubble-trouble-internet-echo-chambers-disrupt-society/>.

¹⁰ Simon Jenkins, "Fear and anger won the election in Brazil, It's a wake-up call to the world," *The Guardian*, 29 October 2018, <https://www.theguardian.com/commentisfree/2018/oct/29/brazil-election-far-right-democracy-social-media>; Oscar Winberg, "Insult Politics: Donald Trump, Right-Wing Populism, and Incendiary Language," *European Journal of American Studies* 12-2 (2017), 2; Niraj Chokshi, "Trump Voters Driven by Fear of Losing Status, Not Economic Anxiety, Study Finds," *The New York Times*, 24 April 2018, <https://www.nytimes.com/2018/04/24/us/politics/trump-economic-anxiety.html>.

¹¹ Chokshi (2018).

¹² Winberg (2017), 2.

¹³ Sarah L. de Lange and Liza M. Mügge, "Gender and right-wing in the Low Countries: ideological variations across parties and time," *Patterns of Prejudice* 49, no. 1-2 (2015), 61, 79.

¹⁴ Wpmaster, "In India's last election, social media was used as a tool. This time it could become a weapon," *The Orange News*, 12 March 2019, <https://theorangenews.com/in-indias-last-election-social-media-was-used-as-a-tool-this-time-it-could-become-a-weapon/>.

¹⁵ Kenneth Roth, "The Dangerous Rise of Populism: Global Attacks on Human Rights Values," *Human Rights Watch* (2017), <https://www.hrw.org/world-report/2017/country-chapters/dangerous-rise-of-populism>.

¹⁶ Tom Barnes, "Hungary is offering women £30 000 to have more babies 'so country doesn't need immigrants,'" *The Independent*, 13 February 2019, <https://www.independent.co.uk/news/world/europe/hungary-mothers-tax-breaks-income-children-immigration-viktor-orban-birth-rate-a8773221.html>.

¹⁷ Adam Ramsay, "Dark money investigations: what we've found out, and why we're looking," *openDemocracy*, 3 December 2018, <https://www.opendemocracy.net/en/dark-money-investigations/dark-money-investigations-what-we-ve-found-out-and-why-we-re-looking/>; Alan Greenblatt, "How Unregulated Dark Money is Reshaping

State Politics,” *Governing*, 29 September 2016, <https://www.governing.com/topics/elections/gov-dark-money-campaign-finance-state-politics.html>.

¹⁸ Pippa Norris and Ronald Inglehart, *Cultural Backlash and the Rise of Populism: Trump, Brexit and the Rise of Authoritarianism Populism* (Cambridge University Press, 2018), 8.

¹⁹ For examples, see The Everyday Sexism Project: <https://everydaysexism.com/>, “The Kavanaugh fiasco is Trump showing us who’s boss,” *The Herald*, 8 October 2018,

<https://www.heraldsotland.com/news/16966602.the-kavanaugh-fiasco-is-trump-showing-us-whos-boss/>.

²⁰ See generally: Roman Kuhar and David Paternotte, *Anti-gender campaigns in Europe* (Rowman & Littlefield, 2018); Angela McRobbie, “Anti-feminism and anti-gender far right politics in Europe and beyond,” *OpenDemocracy*, 18 January 2018, <https://www.opendemocracy.net/en/can-europe-make-it/anti-feminism-and-anti-gender-far-right-politics-in-europe-and-be/>.

²¹ Rhiannon Coslett and Holly Baxter, “The Five Main Issues Facing Modern Feminism,” *The New Statesman America*, 20 May 2013, <https://www.newstatesman.com/v-spot/2013/05/five-main-issues-facing-modern-feminism>.

²² Peter Walker, “Tory MP Christopher Chope blocks progress of upskirting bill,” *The Guardian*, 15 June 2018, <https://www.theguardian.com/world/2018/jun/15/tory-mp-christopher-chope-blocks-progress-of-upskirting-bill>; Peter Walker, “Tory MP who blocked upskirting bill halts FGM protection law,” *The Guardian*, 8 February 2019, <https://www.theguardian.com/society/2019/feb/08/tory-mp-who-blocked-upskirting-bill-halts-fgm-protection-law-christopher-chope>.

²³ Arianne Shahvisi, “‘Women’s Empowerment,’ Imperialism, and the Global Gag Rule,” *Kohl: a Journal for Body and Gender Research* 4, no. 2 (2018), 173-184; Liz Ford, “US may go cheek by jowl with women’s rights abusers at UN gender talks,” *The Guardian*, 13 March 2017, <https://www.theguardian.com/global-development/2017/mar/13/us-cheek-by-jowl-womens-rights-abusers-gender-talks-un-commission-on-the-status-of-women-new-york>; Melanie Ehrenkranz, “Revenge porn is finally criminalised in New York City,” *Gizmodo*, 16 November 2017, <https://gizmodo.com/revenge-porn-is-finally-criminalized-in-new-york-city-1820482756>.

²⁴ Wera Hobhouse, “The law must change on upskirting. One Tory MP won’t stop us,” *The Guardian*, 15 June 2018, <https://www.theguardian.com/commentisfree/2018/jun/15/law-change-upskirting-tory-mp-bill-christopher-chope>.

²⁵ *R v Thomas Mair Sentencing Remarks of Mr Justice Wilkie*, Judiciary of England and Wales, 23 November 2016, <https://www.judiciary.uk/wp-content/uploads/2016/11/sentencing-remarks-r-v-thomas-mair.pdf>.

²⁶ Katie Forster, “Jo Cox death: Call for violent threats towards female MPs to be taken more seriously,” *The Independent*, 17 June 2016, <https://www.independent.co.uk/news/uk/home-news/jo-cox-dead-violent-threats-online-abuse-natalie-mcgarry-trolls-a7086436.html>.

²⁷ United Nations Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective, (UN Publication, A/HRC/38/47, 18 June 2018); see also: Kim Barker and Olga Jurasz, “Submission of Evidence on Online Violence Against Women to the UN Special Rapporteur on Violence Against Women, its Causes and Consequences, Dr Dubravka Šimonović,” (Open University, November 2017), <http://oro.open.ac.uk/52611/>; “‘Power is not given, power is taken’, UN Chief tells women activists, urging push-back against the status quo,” *UN News*, 13 March 2019, <https://news.un.org/en/story/2019/03/1034571>.

²⁸ UN General Assembly, Report of the Special Rapporteur on violence against women, its causes and consequences on violence against women in politics (UN Publication, A/73/301, 6 August 2018), para.13.

²⁹ Gabrielle Bardall, “Breaking the Mold: Understanding Gender and Electoral Violence,” (IFES White Paper, December 2011); Mona Lena Krook, “Violence Against Women in Politics,” *Journal of Democracy* 28, no. 1 (2017), 74-88. For instance, in 2012, Bolivia became the first country to criminalize “political violence and harassment against women” with Law 243.

³⁰ Azmina Dhrodia, “Unsocial Media: Tracking Twitter Abuse Against Women MPs,” *Medium*, 3 September 2017, <https://medium.com/@AmnestyInsights/unsocial-media-tracking-twitter-abuse-against-women-mps-fc28aeca498a>.

³¹ *Ibid.*

³² *Ibid.*

³³ Barker and Jurasz (2019), 25.

³⁴ “New IPU and UN Women map shows women’s representation in politics stagnating,” (UN Women, 15 March 2017), <http://www.unwomen.org/en/news/stories/2017/3/press-release-new-ipu-and-un-women-map-shows-womens-representation-in-politics-stagnating>; “Women MPs of the World Debate,” (Transcript, House of Commons, 8 November 2018)

<https://www.parliament.uk/documents/media/Women%20MPs%20of%20the%20World%20transcript%20cha mber%20sessions.pdf>;

³⁵ Barker and Jurasz (2019), 120.

³⁶ Public Policy Forum (2018).

³⁷ Poorvi Gupta, "Seeing #MeToo Narrative From The Lens Of Marginalized Communities," She the People TV, 11 October 2018, <https://www.shethepeople.tv/top-stories/issues/metoo-narrative-marginalized-communities>.

³⁸ Azmina Dhrodia, "Unsocial Media: Tracking Twitter Abuse Against Women MPs," Medium, 3 September 2017, <https://medium.com/@AmnestyInsights/unsocial-media-tracking-twitter-abuse-against-women-mps-fc28aeca498a>; United Nations Human Rights Council, A/HRC/38/47 (2018); Public Policy Forum (2018).

³⁹ Kim Barker and Olga Jurasz, "Gender, Human Rights and Cybercrime: Are Virtual Worlds Really that Different?," Michael Asimow, Kathryn Brown, David Ray Papke, eds., *Law and Popular Culture: International Perspectives* (Cambridge: Cambridge Scholars Publishing, 2014), 79, 87-88.

⁴⁰ "Met chief Cressida Dick backs 'traditional' policing call," BBC News, 2 November 2018, <https://www.bbc.co.uk/news/uk-46068013>.

⁴¹ Barker and Jurasz (2019), chapter 3; Owen Bowcott, "Twitter intimidation not taken seriously enough by police, says Stella Creasy," *The Guardian*, 29 September 2014, <https://www.theguardian.com/politics/2014/sep/29/twitter-online-intimidation-police-stella-creasy-peter-nunn>.

⁴² Barker and Jurasz (2019), 8-9. See generally: Carol Smart, *Feminism and the Power of Law* (Routledge 1989); Ngaire Naffine, "Who are Law's Persons? From Cheshire Cats to Responsible Subjects," *Modern Law Review* 66, no. 3 (2003), 346-367; Rosemary Hunter, "Contesting the Dominant Paradigm: Feminist Critiques of Liberal Legalism," Margaret Davies and Vanessa E. Munro, eds., *The Ashgate Companion to Feminist Legal Theory* (Ashgate Publishing, 2013).

⁴³ Diane Taylor, "Lady Hale: at least half of UK judiciary should be female," *The Guardian*, 24 June 2019, <https://www.theguardian.com/law/2019/mar/24/lady-hale-at-least-half-of-uk-judiciary-should-be-female>; Barker and Jurasz (2019), 121.

⁴⁴ "Misogyny as hate crime," House of Commons Hansard 637, col. 139 WH (per Mhairi Black MP), 7 March 2018.

⁴⁵ Kevin Rawlinson, "Toby Young Faces Fresh Calls for his Sacking in Misogyny Row," *The Guardian*, 7 January 2018, www.theguardian.com/media/2018/jan/07/toby-young-faces-fresh-calls-for-his-sacking-in-misogyny-row; "Transcript of Julia Gillard's Speech," *The Sydney Morning Herald*, 10 October 2012, www.smh.com.au/politics/federal/transcriptof-julia-gillards-speech-20121010-27c36.html.

⁴⁶ Abusive Behaviour Policy (Twitter, 2019), <https://help.twitter.com/en/rules-and-policies/abusive-behavior>.

⁴⁷ Coslett and Baxter (2013).

⁴⁸ "UN experts urge States and companies to address online gender-based abuse but warn against censorship" (UN Office of the High Commissioner for Human Rights, 8 March 2017), <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21317&LangID=E>.

⁴⁹ Melissa Benn, "After post-feminism: Pursuing material equality in a digital age," *Juncture* 20 (2013), 223-227, 224.

⁵⁰ Ealasaid Munro, "Feminism: A Fourth Wave?," *Political Insight* 4, no. 2 (2013), 22-25, 22.

⁵¹ Aimee Picchi, "How tech's white male workforce feeds bias into AI," CBS News, 17 April 2019, <https://www.cbsnews.com/news/ai-bias-problem-techs-white-male-workforce/>.

⁵² See e.g. Scott Shane, "Facebook Removes More Accounts Tied to Russian 'Troll Factory,'" *The New York Times*, 3 April 2018, <https://www.nytimes.com/2018/04/03/business/facebook-russian-trolls-removed.html>; Christine Schmidt, "Facebook is committing \$300 million to support news, with an emphasis on local," (NiemanLab, 15 January 2019), <http://www.niemanlab.org/2019/01/facebook-is-committing-300-million-to-support-news-with-an-emphasis-on-local/>.

⁵³ Communications Decency Act 1996, s230(1)(c), E-Commerce Directive 2000/31/EC.

⁵⁴ Parmy Olson, "Facebook's Zuckerberg Ignores 'The New Reality' By Skipping Fake News Inquiry in London," *Forbes*, 27 November 2018, <https://www.forbes.com/sites/parmyolson/2018/11/27/facebooks-zuckerberg-ignores-the-new-reality-by-skippingfake-news-inquiry-in-london/#7be852a72792>.

⁵⁵ HM Treasury, "Unlocking Digital Competition: Report of the Digital Competition Expert Panel" (Expert Panel, March 2019)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/785547/unlocking_digital_competition_furman_review_web.pdf; "Regulating in a digital world" (HL Paper 299, House of Lords Select Committee on Communications, 9 March 2019),

<https://www.parliament.uk/business/committees/committees-a-z/lords-select/communications->

committee/news-parliament-2017/internet-regulation-report-publication/; “Making Britain the safest place in the world to be online” (UK Department for Digital, Culture, Media & Sport, 11 October 2017), <https://www.gov.uk/government/news/making-britain-the-safest-place-in-the-world-to-be-online>; “Abusive and Offensive Online Communications: A Scoping Report” (Law Com No. 381, UK Law Commission, 1 November 2018), <https://www.lawcom.gov.uk/abusive-and-offensive-online-communications/>.

⁵⁶ “30 years on, what’s next #ForTheWeb?” (The Web Foundation, 12 March 2019), <https://webfoundation.org/2019/03/web-birthday-30/>.